

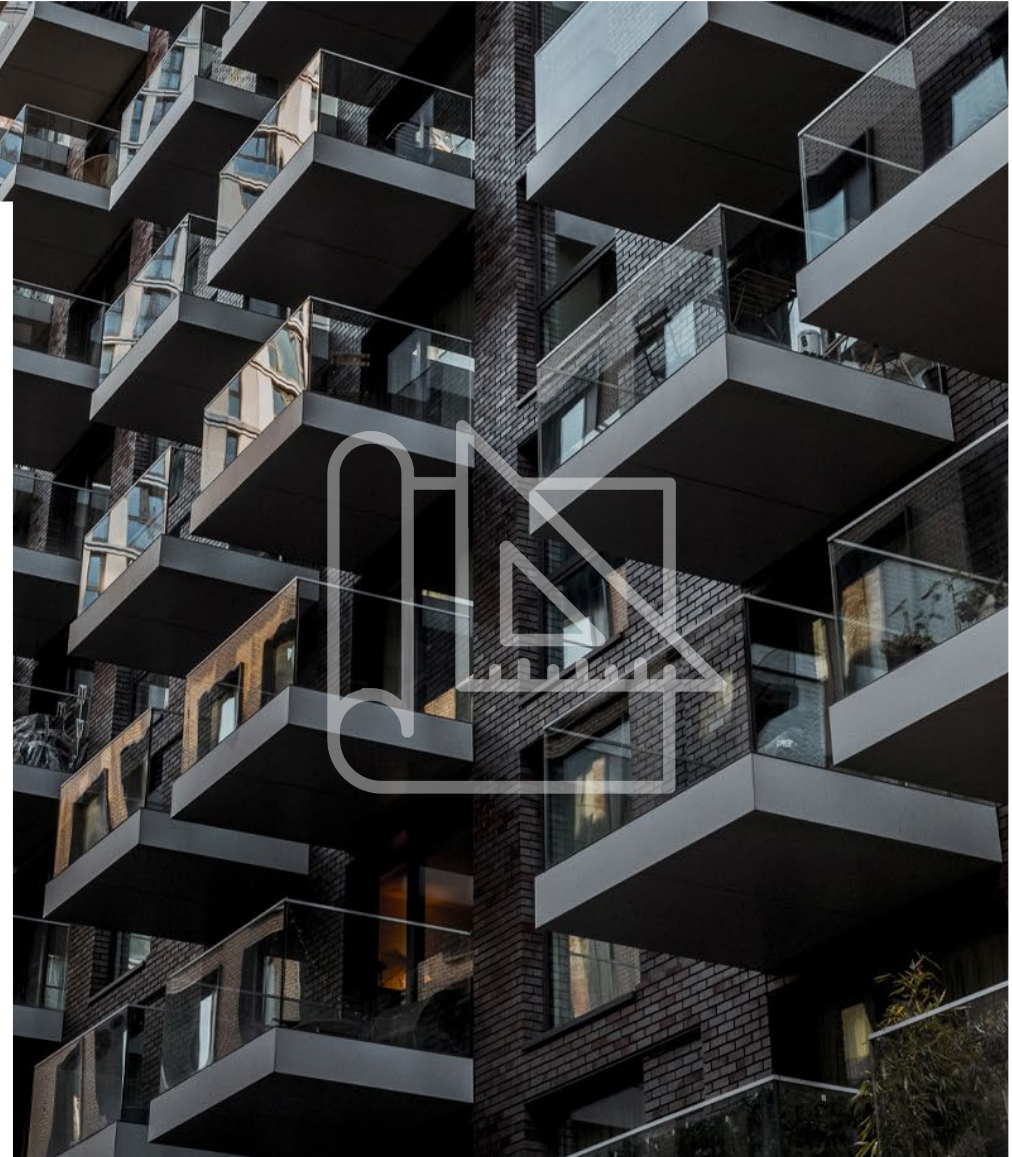


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Plan-making in England: the State of Play

SUZANNE ORNSBY KC





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RECAP: TRANSITIONING TO A NEW DEVELOPMENT PLAN SYSTEM

DEVELOPMENT PLAN

Required to comprise:

- SPATIAL DEVELOPMENT STRATEGY**
- LOCAL PLAN**
- MINERALS AND WASTE PLAN**
- POLICIES MAP**

May comprise:

- SUPPLEMENTARY PLAN/S**
- NEIGHBOURHOOD PLAN/S**



SOME CHANGES OF NOTE

Sub-Regional Planning

Sub-Regional Planning with Strategic Planning Authorities producing sub-regional Spatial Development Strategies for 20 year period to set context for Local Plans re pattern of development and broad locations across the area to deliver objectively assessed needs and Green Belt designation or removal.



Sub-Regional Planning ctd

“Sensible” Areas for producing Spatial Development Strategies been consulted on and now under consideration but will include existing mayoral combined authorities, combined authorities, mayoral combined county authorities and combined county authorities and six Devolution Priority Programme Areas once established.



Sub-Regional Planning ctd

South West is exception where an SDS will be produced by WECA and North Somerset Council.

Areas without mayoral strategic authorities the responsibility will sit with upper tier county councils and unitary authorities.



30 month local plans

**New Local plan system introduced 25 March 2026.
Local Plans produced within 30 months by Local
Planning Authorities for at least a 15 year period.
Conform with SDS and provide polices to deliver it at
more detailed level.**



Duty to co-operate

Duty to co operate abolished with immediate effect. No longer a show stopper. Replace with a stronger NPPF policy of co-operation demonstrated through Statements of Common Ground with strategic interdependent bodies



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Supplementary Planning Documents

No more Supplementary Planning Documents after 30 June 2026. New system of Supplementary Plans introduced 25 March 2026.



DECISION MAKING POLICIES DEVELOPMENT MANAGEMENT POLICES

New NPPF on horizon consultation recently closed. This proposes Decision Making Policies.

Unclear where Government is on Development Management Polices. Template nationally applicable generic policies that would sit alongside a new local plan and to which section 38(6) would apply. Not brought into force and nothing in the draft NPPF about these. Debate whether they should be statutory or non-statutory. Was considered to be an important pillar to enable LPAs to meet the 30 month period.



30 MONTH LOCAL PLAN SYSTEM – “simpler, faster to prepare and more accessible”

Bold Claim

Requirements are set out in Town and Country Planning (Local Planning) (England) Regulations 2026.

Complicated and detailed.

Copious amounts of guidance on how to do it.

Not actually a 30 month process - much longer.



Pre-Gateway process

This takes place prior to commencement of the 30 months period.

It is followed by 3 Gateways have to pass through to get to examination.

LPAs have to allow at least 4 months for this Pre Gateway Process but likely to take much longer



At least four months before Gateway 1

Issue notice of intention to commence local plan preparation and timetable to do that

Undertake a scoping consultation with all relevant stakeholders on what the plan should contain and what matters they are seeking input on

The guidance suggests that should be gathering baseline and environmental information and commence Environmental Report

Governance resource management and risk management

Once completed these tasks they can self certify that ready to start and pass through gate 1.



GATEWAYS 1 TO 3

Then have 23 months to get to point where they must submit plan for examination

GATEWAY 1

Publish summary of scoping consultation

Work out content of the plan and consult on it for at least 6 weeks. Plan content requires co-creation with other stakeholders prior to consultation.

Publish summary of consultation.



GATEWAY 2

Once completed Gateway 1 plan moves to Gate 2 (4 to 6 weeks).

This requires appointment of a Gateway Assessor by PINS to see if plan has potential soundness issues and that meets all the 12 prescribed requirements. This may require further work.

Gateway Assessor's advice and observations must be published and further consultation minimum (8 weeks) on the documentation provided Gateway Assessor says that requirements met and plan potentially sound.



GATEWAY 3

**Gateway 3 (4 to 6 weeks).
This is the version intend to submit.
Further Gateway Assessor to provide observations and
advice on whether plan ready for examination.
If not cannot proceed and have to do more work/
make amendments.**



Examination

Examination takes 6 months.

If more work is needed then can pause the plan for up to 6 months otherwise it has to be withdrawn.

Adoption

1 month to adopt the plan



OBSERVATIONS/COMMENTS

Wildly ambitious.

Dependent on other players not least two interventions by Planning Inspectorate. Resource concern.

Could need to do more work following Planning Inspectorate intervention which will inevitably prolong the time period.

Unclear how co-creation process will work in practice and could be very time consuming

Replacement of DTC with policy of co-operation but requires Statements of Common Ground and therefore dependent on others acting swiftly.

Requirement to assist but how useful will that actually be.



TIMINGS

Complicated but basically:

LPAs with an existing local plan must start the process with Notice to Commence Plan making within 4 years and 8 months of the date of adoption of their local plan or by 31 December 2026 whichever is the latest.

Any LPA that submits their plan to the Inspectorate by 31 December 2026 does not need to comply with the new plan making system and will proceed under the 2024 NPPF.

Any local plan that has already been submitted prior to 12 March 2025 can proceed under legacy local plan process and under the transitional provisions of the NPPF 2024 provided it would meet 80% or more of the authority's local housing need calculated using the standard method as published on 12 December 2024.



What LPAs are doing in practice

Authorities which fall under the NPPF 2024 transitional provisions (i.e. applying NPPF 2023)

- **South Gloucestershire Council (Reg 19 published February 2025 – examination May-July 2026)**
- **East Devon District Council (Reg 19 published February 2025; second Reg 19 November 2025-January 2026)**
- **Coventry Council (Reg 19 published January 2025; examination March-April 2026)**



What LPAs are doing in practice

Some local plans potentially under old plan process and NPPF 2024 (deadline 31 December 2026)

- **South Kesteven Local Plan (aiming for Reg 19 published by September 2026)**
- **South Downs Local plan (aiming for Reg 19 published by May 2026)**
- **Basingstoke and Deane Local Plan (aiming for Reg 19 published by summer 2026)**
- **West Northamptonshire Local Plan (aiming for submission by 31 December 2026)**
- **Cheshire West and Chester Local plan (aiming for submission by December 2026)**
- **Three Rivers District Local Plan (aiming for submission by December 2026)**



What Local Authorities are doing in practice

Local plans under the new plan making process

- Some authorities raced to submit plans to benefit from transitional provisions but drafts failed to meet 80% of new standard methodology need and have to start working on a new plan under the new system:
 - ***Dacorum Borough Council (submitted 11 March 2025)***
 - ***Hyndburn Borough Council (submitted 10 March 2025)***
 - ***Epsom and Ewell Council (submitted 10 March 2025)***
 - ***City of Wolverhampton Council (submitted 7 March 2025)***
 - ***Great Yarmouth Borough Council (submitted 25 February 2025)***
- The Government has directed 39 local authorities to commence preparing plans under the new plan-making by 30 June 2026, and publish Gateway 1 self assessment by 31 October 2026.



Spatial Development Strategies

The West of England

The West of England authority are producing a 30-year spatial development strategy.

- **Stage 2- Initial public engagement - Summer/Autumn 2026**
- **Stage 3- Publication of draft SDS - Summer/ Autumn 2027**
- **Stage 4- Examination in public – 2028**
- **Stage 5- Adoption – Spring 2029**

Elsewhere

- **West Midlands spatial development strategy which is at Stage 1 currently.**
 - **Stage 4 – Public examination- Autumn 2027**
 - **Stage 5- Adoption- Spring 2028**



AI in the plan-making process

AI could aid local authorities meeting the ambitious 30-month timetable

- Scanning and digitising old documents
 - *'Extract' - Planning Data team in MHCLG's Digital Planning programme)*
- Site assessment and Strategic Land Identification
 - *Plymouth City Council/Urban Intelligence*
- Aggregating datasets and summarising documents
- Clustering and organising consultation responses
 - *Greater Cambridge Shared Planning service pilot*
- Preparation of Spatial Development Strategies